

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7559

BILL NUMBER: HB 1490

DATE PREPARED: Jan 2, 2001

BILL AMENDED:

SUBJECT: Fugitive Dust.

FISCAL ANALYST: Bernadette Bartlett

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill defines "fugitive dust." The bill also provides that a violation of an environmental law concerning fugitive dust that (1) may be proved by the Department of Environmental Management (IDEM) only by using visual evidence; (2) has not been recorded, measured, or documented by the Department using any other means; and (3) and is not a condition that is considered an exception to the fugitive dust emissions rule is considered to be a minor violation. A person that commits more than (1) two violations of a fugitive dust law in a calendar month; or (2) four violations of a fugitive dust law in a calendar year must develop and implement a formal written fugitive dust plan to prevent and minimize future fugitive dust events.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: Given reported enforcement actions conducted by IDEM, approximately ten violations involving fugitive dust that were based on visual evidence occurred in 1999.

The proposal would limit the penalty that can be imposed for such violation to \$500. Assuming that the typical penalty equaled \$3,000, an average reduction in the penalty would equal \$2,500 (\$3,000 minus \$500). Assuming that 15 violations occur annually, the net reduction in penalties assessed would equal approximately \$37,500 (\$2,500 multiplied by 15 equals \$37,500). (Additional information will be provided when it becomes available.)

IDEM may recover civil penalties imposed.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Environmental Management.

Local Agencies Affected:

Information Sources: Blake Jeffrey, Director, Indiana Cast Metals Association, (317) 974-1830, based on information reported in <http://www.state.in.us/IDEM/OE/Monthly.html>.